

## EXHIBIT COVER PAGE



EXHIBIT

Description of this Exhibit:

Case No. *03 - 16301*

Number of pages to this Exhibit 20 pages.

JURISDICTION: (Check only one)

- ☐ Municipal Court
- ☐ Superior Court
- ☒ Appellate Court
- ☐ State Supreme Court
- ☐ United States District Court
- ☒ State Circuit Court
- ☐ United State Supreme Court
- ☐ Grand Jury

**FILED**

**MAY 18 2005**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

**HOMER E. HAWKINS,**

**Plaintiff - Appellant,**

**v.**

**MARIN SHERIFF, et al.,**

**Defendants - Appellees.**

**No. 03-16301**

**D.C. No. CV-03-02360-SI**

**MEMORANDUM\***

**Appeal from the United States District Court  
for the Northern District of California  
Susan Yvonne Illston, District Judge, Presiding**

**Submitted May 9, 2005\*\***

**Before: PREGERSON, CANBY and BERZON, Circuit Judges**

**This appeal challenges the district court's order dismissing appellant's civil rights action without prejudice pursuant to 28 U.S.C. § 1915(g) on the grounds that**

**This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.**

**\*\* This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).**

03-16301

appellant had three or more "strikes" arising from prior dismissals of civil actions for failure to state a claim. Upon review of the record and the opening brief, we hereby summarily reverse the district court's dismissal because one of the prior dismissals relied on by the district court was the denial of a habeas corpus petition, which does not count as a "strike" for purposes of section 1915(g). *See Andrews v. King*, 398 F.3d 1113, 1122 (9th Cir. 2005). Consequently, this appeal is remanded to the district court for further proceedings consistent with our decision in *Andrews*.

**REVERSED and REMANDED.**

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## US Court of Appeals for the Ninth Circuit Case Summary

Court of Appeals Docket #: 03-16301 Filed: 7/16/03  
Nsuit: 3555 Prison Condition (Fed)  
Hawkins v. Marin Sheriff, et al  
Appeal from: Northern District of California (San Francisco)

### Lower court information:

District: 0971-3 : CV-03-02360-SI  
presiding judge: Susan Yvonne Illston, District Judge

5/24/04 Rec'd aples' ltr dated 5/19/04 in response to court's order filed 4/23/04 re: will not be responding to appeal to (PRO SE). [03-16301] (jr) [03-16301]

6/16/04 Rec'd aplt's document entitled "Affidavit, Suppl Complaint" to (PRO SE). [03-16301] (jr) [03-16301]

7/20/04 Filed order (Deputy Clerk: jmr/PRO SE) this appeal is held in abeyance pending disposition of Andrews v. King, CA # 02-17440 or until further order of the court. The clk shall serve this order on the aplt and Francis T. Grunder, Senior AAG, State of CA, Dept. of Justice, 455 Golden Gate Ave., Ste. 11000, S.F., CA 94102-7004. [03-16301] (jr) [03-16301]

10/22/04 Rec'd ntc of chg of address from aplt and request for status of case dated 10/19/04. Copy of dkt sent to aplt. [03-16301] (jr) [03-16301]

12/8/04 Rec'd notice of change of address from Appellant Homer E. Hawkins, dated 12/06/04. (new address: 5134 Camden Avenue, Oakland, Ca 94619) (CASEFILE) [03-16301] (sm) [03-16301]

12/28/04 Rec'd notice of change of address from Appellant Homer E. Hawkins dated 12/26/04. (new address: 1563 Hamilton Street, Palo Alto, CA 94302) (CASEFILE) [03-16301] (sm) [03-16301]

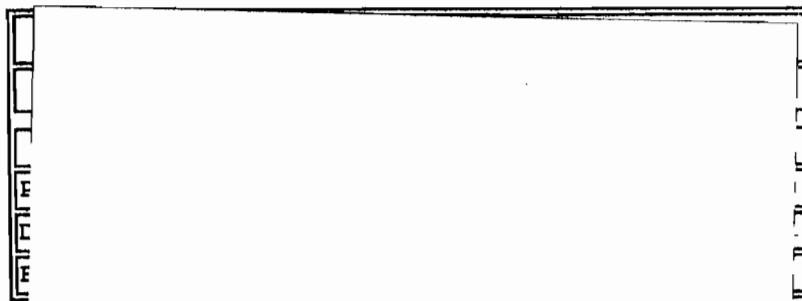
1/19/05 Rec'd ntc of chg of address from aplt to 1965 Manhattan St., #6 - E. Palo Alto, CA 94303 dated 1/18/05. [03-16301] (jr) [03-16301]

5/18/05 FILED MEMORANDUM DISPOSITION: REVERSED and REMANDED. (Terminated on the Merits after Submission Without Oral Hearing; Reversed; Written, Unsigned, Unpublished. Harry PREGERSON, William C. CANBY, Marsha S. BERZON) FILED AND ENTERED JUDGMENT. [03-16301] (jr) [03-16301]

6/9/05 MANDATE ISSUED [03-16301] (jr) [03-16301]

6/23/05 Rec'd ntc of chg of address from aplt to Redwood City jail dated 6/20/05 to 300 Bradford St. - Redwood City, CA

94063. [03-16301] (jr) [03-16301]



Defendant - Appellee (See above)

JAIL COMMANDER  
Defendant - Appellee No appearance  
(See above)

THE OFFICER'S EMPLOYEE'S  
Defendant - Appellee No appearance  
(See above)

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03-16301 Hawkins v. Marin Sheriff, et al

HOMER E. HAWKINS

Plaintiff - Appellant

v.

MARIN SHERIFF; CHIEF OF POLICE; JAIL COMMANDER; THE  
OFFICER'S EMPLOYEE'S

Defendants - Appellees

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03-16301 Hawkins v. Marin Sheriff, et al

7/16/03 DOCKETED CAUSE AND ENTERED APPEARANCE OF APPELLANT IN PRO  
PER AND NO APPEARANCE FOR APPELLEES. CADS SENT (Y/N): No.  
setting schedule as follows: Fee payment is due 7/30/03 ;  
appellant's opening brief is due 8/25/03. [03-16301] (ru)  
[03-16301]

7/24/03 Rec'd aplt's brf in 0 copies of 2 pages (Informal: yes)  
w/copy of DC judgment and order. Deficient; pages 3-5 are  
missing and no copies. Notified aplt. [03-16301] (jr)  
[03-16301]

7/24/03 Filed aplt's motion to proceed in fp [03-16301] to (MOATT).  
[4807083] [03-16301] (jr) [03-16301]

8/4/03 Filed order (Deputy Clerk: cb/PRO MO) aplt has submitted  
the 2 missing pages of the brf. The clk shall make the addl  
copies. Court records do not reflect that aplt satisfied  
the fee requirement. Within 21 days form the date of this  
order, aplt shall either 1) pay the \$105 fee to the DC and  
provide this court with verification of payment, or 2) move  
this court for leave to proceed in fp. Failure to address  
the fee status in a timely fashion will result in dismissal  
under 9th Cir.R. 42-1 without further ntc. The previously  
submitted brf will be filed if aplt pays the fee or is  
granted pauper status. As there is no appearance for aples,  
this case will be ready for calendaring upon the filing of

the opening brf. [03-16301] (jr) [03-16301]

8/8/03 Rec'd aplt's affidavit in support of motion to proceed in fp [4807083-1] to (MOATT). [03-16301] (jr) [03-16301]

8/28/03 Rec'd aplt's 2nd affidavit in support of motion to proceed in fp [4807083-1] to (MOATT). [03-16301] (jr) [03-16301]

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03-16301 Hawkins v. Marin Sheriff, et al

10/20/03 Filed order (Appellate Commissioner) Appellant's motion for leave to proceed in forma pauperis is GRANTED. Pursuant to 28 U.S.C. 1915(b)(1) and (2), however, appellant eventually must pay the full amount of the filing and docketing fees for this appeal. Accordingly, within 21 days of the filing date of this order, appellant shall complete and file with this court the enclosed authorization form, which directs the prison officials at appellant's institution to assess, collect and forward to the court the \$105.00 filing and docketing fees for this appeal on a monthly basis whenever funds exist in appellant's trust fund account. These fees will continue to be collected regardless of the date or manner of disposition of this appeal. See 28 U.S.C. 1915(b)(2), (e)(2). If appellant fails to file the completed authorization form, the clerk shall dismiss this appeal for failure to prosecute. See 9th Cir.R. 42-1. If appellant files the completed authorization form, the opening brief will be due 11/21/03; the answering brief will be due 12/22/03; the optional reply brief will be due within 14 days after service of the answering brief. Because appellant is a prisoner proceeding in forma pauperis and is not represented by counsel, appellant is not required to file excerpts of record. See 9th Cir.R. 24-1. [4807083-1] (MOATT) [03-16301] (sm) [03-16301]

11/7/03 Filed order MOATT (PJE) On 10/20/03, this court GRANTED leave to proceed in forma pauperis, provided that he completes the authorization form. If appellant fails to file the completed authorization form, the clerk shall dismiss this appeal for failure to prosecute. See 9th Cir.R. 42-1. If appellant files the completed authorization form, the clerk shall file the opening brief received on 07/24/03, and the supplement received on 08/04/03. Because appellant is a prisoner proceeding in forma pauperis and is not represented by counsel, appellant is not required to file excerpts of record. See 9th Cir.R. 24-1. Since there is not appearance for appellees, this case will be ready for calendaring upon the filing of the opening brief. [4807083-1] [03-16301] (sm) [03-16301]

11/7/03 Rec'd PLRA authorization response from aplt granting permission for funding under the Prisoner Litigation Reform

Act (Date: 11/3/03) to (MOATT). [03-16301] (jr)  
[03-16301]

11/7/03 Filed original and 7 copies aplt's opening brf (Informal:  
yes) of 12 pages w/copy of jdgment (DC dkt not included).  
[03-16301] (jr) [03-16301]

11/10/03 No aple's brf will be filed in this case. Case ready for  
inventory. [03-16301] (jr) [03-16301]

1/2/04 Calendar check performed [03-16301] (th) [03-16301]

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1/5/04 FILED CERTIFIED RECORD ON APPEAL: 1 CLERK'S  
RECORD.(ORIGINAL) [03-16301] (sd) [03-16301]

4/1/04 SUBMITTED TO SCREENING PANEL 375. ( Oral) [03-16301]  
[03-16301] (th) [03-16301]

4/23/04 Filed order (Deputy Clerk: jmr/PRO SE) appointment of pro  
bono csl in this appeal would benefit the court's review.  
The clk shall enter an order appointing pro bono csl to  
represent aplt for purposes of this appeal only. Pro bono  
csl shall prepare suppl brfing that will be submitted along  
with aplt's brf to the judges deciding this appeal and  
shall appear at oral argument. The clk shall establish a  
suppl brfing schedule. If aplt objects to the court's  
appointment of csl in this appeal, aplt shall file a  
objection within 14 days from the date of entry of this  
order. The clk shall serve a copy of this order on the AG  
for the State of CA, P.O. Box 944255, Sacramento, CA  
94244-2550, who is requested either to enter an appearance  
in this appeal for the purpose of filing suppl brfs and  
participating at oral argument, or to file an amicus curiae  
brf and to appear for oral argument. The AG is requested to  
notify this court in writing within 21 days from entry of  
this order whether the AG will appear on behalf of the aple  
or as amicus curiae. The appeal is stayed pending further  
order. [03-16301] (jr) [03-16301]

4/23/04 Removed from screening calendar. [03-16301] [03-16301] (th)  
[03-16301]

5/10/04 Received letter dated 5/7/04 from Frances T. Grunder for  
State of Calif thanking the court for the invitation to  
file a brief but declines but has forwarded the request to  
County Counsel's office. (PRO SE) [03-16301] (dg)  
[03-16301]

5/24/04 Rec'd aples' ltr dated 5/19/04 in response to court's order,  
filed 4/23/04 re: will not be responding to appeal to (PRO  
SE). [03-16301] (jr) [03-16301]

6/16/04 Rec'd aplt's document entitled "Affidavit, Suppl Complaint" to (PRO SE). [03-16301] (jr) [03-16301]

7/20/04 Filed order (Deputy Clerk: jmr/PRO SE) this appeal is held in abeyance pending disposition of Andrews v. King, CA # 02-17440 or until further order of the court. The clk shall serve this order on the aplt and Francis T. Grunder, Senior AAG, State of CA, Dept. of Justice, 455 Golden Gate Ave., Ste. 11000, S.F., CA 94102-7004. [03-16301] (jr) [03-16301]

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03-16301 Hawkins v. Marin Sheriff, et al

10/22/04 Rec'd ntc of chg of address from aplt and request for status of case dated 10/19/04. Copy of dkt sent to aplt. [03-16301] (jr) [03-16301]

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1/19/05 Rec'd ntc of chg of address from aplt to 1965 Manhattan St., #6 - E. Palo Alto, CA 94303 dated 1/18/05. [03-16301] (jr) [03-16301]

5/18/05 FILED MEMORANDUM DISPOSITION: REVERSED and REMANDED. (Terminated on the Merits after Submission Without Oral Hearing; Reversed; Written, Unsigned, Unpublished. Harry PREGERSON, William C. CANBY, Marsha S. BERZON) FILED AND ENTERED JUDGMENT. [03-16301] (jr) [03-16301]

6/9/05 MANDATE ISSUED [03-16301] (jr) [03-16301]

6/23/05 Rec'd ntc of chg of address from aplt to Redwood City jail dated 6/20/05 to 300 Bradford St. - Redwood City, CA 94063. [03-16301] (jr) [03-16301]

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<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
08/18/2005 09:05:42			
<b>PACER Login:</b>		<b>Client Code:</b>	hawkins
<b>Description:</b>	dkt report	<b>Case Number:</b>	03-16301

Billable Pages:	7	Cost:	0.56
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**3:03-cv-02360-SI** Hawkins v. Marin Sheriff et al  
 Susan Illston, presiding  
**Date filed:** 05/20/2003 **Date of last filing:** 09/20/2005

## Case Summary

<b>Office:</b> San Francisco	<b>Filed:</b> 05/20/2003	
<b>Jury Demand:</b> None	<b>Demand:</b>	
<b>Nature of Suit:</b> 555	<b>Cause:</b> 42:1983 Prisoner Civil Rights	
<b>Jurisdiction:</b> Federal Question	<b>Disposition:</b>	
<b>County:</b> Marin	<b>Terminated:</b>	
<b>Origin:</b> 3	<b>Reopened:</b> 06/14/2005	
<b>Lead Case:</b>	None	
<b>Related Case:</b>	None	<b>Other Court Case:</b> None
<b>Def Custody Status:</b>		
<b>Flag:</b> REOPEN		

Plaintiff **Homer E. Hawkins**  
 Defendant **Marin Sheriff**  
 Defendant **Chief of Police**  
 Defendant **Jail Commander**  
 Defendant **The Officer's Employee's**

PACER Service Center			
Transaction Receipt			
09/26/2005 10:33:30			
PACER Login:		Client Code:	
Description:	Case Summary	Search Criteria:	3:03-cv-02360-SI
Billable Pages:	1	Cost:	0.08

REOPEN

**U.S. District Court  
California Northern District (San Francisco)  
CIVIL DOCKET FOR CASE #: 3:03-cv-02360-SI**

Hawkins v. Marin Sheriff et al  
Assigned to: Hon. Susan Illston  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 05/20/2003  
Jury Demand: None  
Nature of Suit: 555 Prisoner: Prison  
Condition  
Jurisdiction: Federal Question

**Plaintiff****Homer E. Hawkins**

represented by **Homer E. Hawkins**  
San Mateo County Main Jail  
6E-22 #1113027  
300 Bradford Street  
Redwood City, CA 94063  
PRO SE

V.

**Defendant****Marin Sheriff****Defendant****Chief of Police****Defendant****Jail Commander****Defendant****The Officer's Employee's**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/20/2005	18	Civil Local Rules and Federal Rules of Civil Procedure by Homer E. Hawkins. (ys, COURT STAFF) (Filed on 9/20/2005) (Entered: 09/21/2005)
08/31/2005	17	Letter dated 8/29/05 from Homer E. Hawkins to the Court re the letter of a change of address to Ninth Circuit. (ys, COURT STAFF) (Filed on 8/31/2005) (Entered: 08/31/2005)
07/11/2005	16	CERTIFICATE OF SERVICE by Homer E. Hawkins re [13] USCA Judgment (ys, COURT STAFF) (Filed on 7/11/2005) (Entered: 07/12/2005)

06/27/2005	15	Mail Returned as Undeliverable re [14] Mandate of USCA. Mail sent to plaintiff Homer E. Hawkins. Remailled to address from proof of service of USCA's order. (ys, COURT STAFF) (Filed on 6/27/2005) (Entered: 07/01/2005)
06/14/2005	14	CLERKS Letter Spreading Mandate to Counsel re [7] Notice of Appeal. Reversed and Remanded. (ys, COURT STAFF) (Filed on 6/14/2005) (Entered: 06/17/2005)
06/14/2005	13	USCA JUDGMENT as to [7] Notice of Appeal: the judgment of the USDC for the Northern District of California (San Francisco) is REVERSED and REMANDED. (ys, COURT STAFF) (Filed on 6/14/2005) (Entered: 06/17/2005)
01/09/2004	12	Receipt/Acknowledgment from USCA of the original case file. (ys, COURT STAFF) (Filed on 1/9/2004) (Entered: 01/13/2004)
12/29/2003		Certified and Transmitted Record on Appeal to US Court of Appeals re [7] Notice of Appeal (ys, COURT STAFF) (Filed on 12/29/2003) (Entered: 12/30/2003)
11/12/2003	11	ORDER of USCA re appeal [7] : <i>If appellant fails to file the completed authorization form, the Clerk shall dismiss this appeal for failure to prosecute. If appellant files the completed authorization form, the Clerk shall file the opening brief received on 7/24/03, and the supplemental received on 8/4/03. Because appellant is a prisoner proceeding in forma pauperis and is not represented by counsel, appellant is not required to file excerpts of record. Since there is no appearance by appellees, this case will be ready for calendaring upon the filing of the opening brief.</i> (ys, COURT STAFF) (Entered: 11/13/2003)
10/31/2003	10	ORDER of USCA re appeal [7] : <i>Appellant's motion for leave to proceed in forma pauperis on appeal is granted. Appellant eventually must pay the full amount of the filing and docketing fees for this appeal. Accordingly, within 21 days of the filing date of this order, appellant shall complete and file with this court the enclosed authorization form, which directs the prison officials at appellant's institution to assess, collect, and forward to the court the \$105.00 filing and docketing fees for this appeal on a monthly basis whenever funds exist in appellant's trust fund account. These fees will continue to be collected regardless of the date or manner of disposition of this appeal. If appellant fails to file the completed authorization form, the Clerk shall dismiss this appeal for failure to prosecute. If appellant files the completed authorization form, the opening brief will be due 11/21/03; the answering brief will be due 12/22/03; the optional reply brief will be due within 14 days after service of the answering brief. Because appellant is a prisoner proceeding in forma pauperis and is not represented by counsel, appellant is not required to file experts of record.</i> (ys, COURT STAFF) (Entered: 11/03/2003)
07/18/2003		USCA Case Number re appeal [7]. USCA Case #03-16301 (ys, ) (Entered: 07/18/2003)

07/14/2003	9	Request for IFP/Prisoner Trust Fund Account Statement on APPEAL by pro se Homer E. Hawkins. (ys, ) (Entered: 07/14/2003)
07/11/2003	8	Letter dated 7/9/03 from Homer E. Hawkins to the Court requesting a certification of funds application. (ys, ) (Entered: 07/11/2003)
07/08/2003		Appeal Remark : Mailed request for docket fee payment (ys, ) (Entered: 07/08/2003)
07/08/2003		Appeal Remark : Docket fee notification form and case information sheet to USCA (ys, ) (Entered: 07/08/2003)
07/08/2003		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re appeal [6], [5] (ys, ) (Entered: 07/08/2003)
07/02/2003	7	NOTICE OF APPEAL re [6], [5] by pro se Homer E. Hawkins. () (ys, ) (Entered: 07/08/2003)
06/09/2003	6	JUDGMENT: This action is dismissed without prejudice to plaintiff making the same allegations in a complaint for which he pays the full filing fee at the time of filing complaint . Signed by Judge Susan Illston on 6/9/03. (ys, ) (Entered: 06/10/2003)
06/09/2003	5	ORDER DISMISSING CASE. Denying [3] the request to proceed in forma pauperis, denying [4] motion for appointment of counsel. Signed by Judge Susan Illston on 6/9/03. (ys, ) (Entered: 06/10/2003)
06/04/2003	4	Affidavit, in support of Motion in proceed in forma pauperis and for MOTION to Appoint Counsel/Attorney: to Amend (civil action/lawsuit): an order compelling discovery : Request for Production of Documetns filed by pro se Homer E. Hawkins. (ys, ) (Entered: 06/05/2003)
06/02/2003	3	MOTION for Leave to Proceed in forma pauperis filed by pro se Homer E. Hawkins. (ys, ) (Entered: 06/03/2003)
05/20/2003	2	CLERK'S NOTICE re: completion of in forma pauperis affidavit or payment of filing fee due within 30 days (ys, ) (Entered: 05/20/2003)
05/20/2003	1	COMPLAINT <i>no process</i> ; against Chief of Police, Jail Commander, Marin Sheriff, The Officer's Employee's (). Filed by pro se Homer E. Hawkins. (ys, ) (Entered: 05/20/2003)


PACER Service Center			
Transaction Receipt			
09/26/2005 10:34:29			
PACER Login:		Client Code:	
Description:	Docket Report	Search Criteria:	3:03-cv-02360-SI
Billable Pages:	2	Cost:	0.16

**3:03-cv-02360-SI** Hawkins v. Marin Sheriff et al  
 Susan Illston, presiding  
 Date filed: 05/20/2003 Date of last filing: 09/20/2005

## History

Doc. No.	Dates	Description
18	Filed: 09/20/2005 Entered: 09/21/2005	● Received Document
17	Filed & Entered: 08/31/2005	● Letter
16	Filed: 07/11/2005 Entered: 07/12/2005	● Certificate of Service
15	Filed: 06/27/2005 Entered: 07/01/2005	● Mail Returned
13	Filed: 06/14/2005 Entered: 06/17/2005	● USCA Judgment
14	Filed: 06/14/2005 Entered: 06/17/2005	● Clerks Letter Spreading Mandate
12	Filed: 01/09/2004 Entered: 01/13/2004	● Receipt
--	Filed: 12/29/2003 Entered: 12/30/2003	● Appeal Record Sent to USCA
11	Filed: 11/12/2003 Entered: 11/13/2003	● USCA Order
10	Filed: 10/31/2003 Entered: 11/03/2003	● USCA Order
--	Filed & Entered: 07/18/2003	● USCA Case Number
9	Filed & Entered: 07/14/2003	● Prisoner Trust Fund Account Statement
8	Filed & Entered: 07/11/2003	● Letter
--	Filed & Entered: 07/08/2003	● Transmission of Notice of Appeal and Docket Sheet to USCA
--	Filed & Entered: 07/08/2003	● Appeal Remark
--	Filed & Entered: 07/08/2003	● Appeal Remark
7	Filed: 07/02/2003 Entered: 07/08/2003	● Notice of Appeal
5	Filed: 06/09/2003 Entered: 06/10/2003	● Order Dismissing Case
6	Filed: 06/09/2003 Entered: 06/10/2003	● Judgment
4	Filed: 06/04/2003 Entered: 06/05/2003 Terminated: 06/09/2003	● Motion to Appoint Counsel
	Filed: 06/02/2003	● Motion for Leave to Proceed in forma pauperis

3	Entered: 06/03/2003 Terminated: 06/09/2003	
1	Filed & Entered: 05/20/2003	● Complaint
2	Filed & Entered: 05/20/2003	● Clerks Notice

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
09/26/2005 10:35:35			
<b>PACER Login:</b>		<b>Client Code:</b>	
<b>Description:</b>	History/Documents	<b>Search Criteria:</b>	3:03-cv-02360-SI
<b>Billable Pages:</b>	1	<b>Cost:</b>	0.08

**3:03-cv-02360-SI** Hawkins v. Marin Sheriff et al  
 Susan Illston, presiding  
**Date filed:** 05/20/2003 **Date of last filing:** 07/11/2005

## History

Doc. No.	Dates	Description
1	<i>Filed &amp; Entered:</i> 05/20/2003	● Complaint
2	<i>Filed &amp; Entered:</i> 05/20/2003	● Clerks Notice
3	<i>Filed:</i> 06/02/2003 <i>Entered:</i> 06/03/2003 <i>Terminated:</i> 06/09/2003	● Motion for Leave to Proceed in forma pauperis
4	<i>Filed:</i> 06/04/2003 <i>Entered:</i> 06/05/2003 <i>Terminated:</i> 06/09/2003	● Motion to Appoint Counsel
5	<i>Filed:</i> 06/09/2003 <i>Entered:</i> 06/10/2003	● Order Dismissing Case
6	<i>Filed:</i> 06/09/2003 <i>Entered:</i> 06/10/2003	● Judgment
7	<i>Filed:</i> 07/02/2003 <i>Entered:</i> 07/08/2003	● Notice of Appeal
--	<i>Filed &amp; Entered:</i> 07/08/2003	● Transmission of Notice of Appeal and Docket Sheet to USCA
--	<i>Filed &amp; Entered:</i> 07/08/2003	● Appeal Remark
--	<i>Filed &amp; Entered:</i> 07/08/2003	● Appeal Remark
8	<i>Filed &amp; Entered:</i> 07/11/2003	● Letter
9	<i>Filed &amp; Entered:</i> 07/14/2003	● Prisoner Trust Fund Account Statement
--	<i>Filed &amp; Entered:</i> 07/18/2003	● USCA Case Number
10	<i>Filed:</i> 10/31/2003 <i>Entered:</i> 11/03/2003	● USCA Order
11	<i>Filed:</i> 11/12/2003 <i>Entered:</i> 11/13/2003	● USCA Order
--	<i>Filed:</i> 12/29/2003 <i>Entered:</i> 12/30/2003	● Appeal Record Sent to USCA
12	<i>Filed:</i> 01/09/2004 <i>Entered:</i> 01/13/2004	● Receipt
13	<i>Filed:</i> 06/14/2005 <i>Entered:</i> 06/17/2005	● USCA Judgment
14	<i>Filed:</i> 06/14/2005 <i>Entered:</i> 06/17/2005	● Clerks Letter Spreading Mandate
15	<i>Filed:</i> 06/27/2005 <i>Entered:</i> 07/01/2005	● Mail Returned
	<i>Filed:</i> 07/11/2005	● Certificate of Service

16 Entered: 07/12/2005

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REOPEN

**U.S. District Court  
California Northern District (San Francisco)  
CIVIL DOCKET FOR CASE #: 3:03-cv-02360-SI**

Hawkins v. Marin Sheriff et al  
Assigned to: Hon. Susan Illston  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 05/20/2003  
Jury Demand: None  
Nature of Suit: 555 Prisoner: Prison  
Condition  
Jurisdiction: Federal Question

**Plaintiff****Homer E. Hawkins**

represented by **Homer E. Hawkins**  
San Mateo County Main Jail  
6E-22 #1113027  
300 Bradford Street  
Redwood City, CA 94063  
PRO SE

V.

**Defendant****Marin Sheriff****Defendant****Chief of Police****Defendant****Jail Commander****Defendant****The Officer's Employee's**

Date Filed	#	Docket Text
05/20/2003	1	COMPLAINT <i>no process</i> ; against Chief of Police, Jail Commander, Marin Sheriff, The Officer's Employee's (). Filed by pro se Homer E. Hawkins. (ys, ) (Entered: 05/20/2003)
05/20/2003	2	CLERK'S NOTICE re: completion of in forma pauperis affidavit or payment of filing fee due within 30 days (ys, ) (Entered: 05/20/2003)
06/02/2003	3	MOTION for Leave to Proceed in forma pauperis filed by pro se Homer E. Hawkins. (ys, ) (Entered: 06/03/2003)
06/04/2003	4	Affidavit, in support of Motion in proceed in forma pauperis and for MOTION to Appoint Counsel/Attorney: to Amend (civil action/lawsuit):

		an order compelling discovery : Request for Production of Documents filed by pro se Homer E. Hawkins. (ys, ) (Entered: 06/05/2003)
06/09/2003	5	ORDER DISMISSING CASE. Denying [3] the request to proceed in forma pauperis, denying [4] motion for appointment of counsel. Signed by Judge Susan Illston on 6/9/03. (ys, ) (Entered: 06/10/2003)
06/09/2003	6	JUDGMENT: This action is dismissed without prejudice to plaintiff making the same allegations in a complaint for which he pays the full filing fee at the time of filing complaint . Signed by Judge Susan Illston on 6/9/03. (ys, ) (Entered: 06/10/2003)
07/02/2003	7	NOTICE OF APPEAL re [6], [5] by pro se Homer E. Hawkins. () (ys, ) (Entered: 07/08/2003)
07/08/2003		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re appeal [6], [5] (ys, ) (Entered: 07/08/2003)
07/08/2003		Appeal Remark : <i>Docket fee notification form and case information sheet to USCA</i> (ys, ) (Entered: 07/08/2003)
07/08/2003		Appeal Remark : <i>Mailed request for docket fee payment</i> (ys, ) (Entered: 07/08/2003)
07/11/2003	8	Letter dated 7/9/03 from Homer E. Hawkins to the Court requesting a certification of funds application. (ys, ) (Entered: 07/11/2003)
07/14/2003	9	Request for IFP/Prisoner Trust Fund Account Statement on APPEAL by pro se Homer E. Hawkins. (ys, ) (Entered: 07/14/2003)
07/18/2003		USCA Case Number re appeal [7]. USCA Case #03-16301 (ys, ) (Entered: 07/18/2003)
10/31/2003	10	ORDER of USCA re appeal [7] : <i>Appellant's motion for leave to proceed in forma pauperis on appeal is granted. Appellant eventually must pay the full amount of the filing and docketing fees for this appeal. Accordingly, within 21 days of the filing date of this order, appellant shall complete and file with this court the enclosed authorization form, which directs the prison officials at appellant's institution to assess, collect, and forward to the court the \$105.00 filing and docketing fees for this appeal on a monthly basis whenever funds exist in appellant's trust fund account. These fees will continue to be collected regardless of the date or manner of disposition of this appeal. If appellant fails to file the completed authorization form, the Clerk shall dismiss this appeal for failure to prosecute. If appellant files the completed authorization form, the opening brief will be due 11/21/03; the answering brief will be due 12/22/03; the optional reply brief will be due within 14 days after service of the answering brief. Because appellant is a prisoner proceeding in forma pauperis and is not represented by counsel, appellant is not required to file experts of record.</i> (ys, COURT STAFF) (Entered: 11/03/2003)
11/12/2003	11	ORDER of USCA re appeal [7] : <i>If appellant fails to file the completed authorization form, the Clerk shall dismiss this appeal for failure to</i>

		<i>prosecute. If appellant files the completed authorization form, the Clerk shall file the opening brief received on 7/24/03, and the supplemental received on 8/4/03. Because appellant is a prisoner proceeding in forma pauperis and is not represented by counsel, appellant is not required to file excerpts of record. Since there is no appearance by appellees, this case will be ready for calendaring upon the filing of the opening brief.</i> (ys, COURT STAFF) (Entered: 11/13/2003)
12/29/2003		Certified and Transmitted Record on Appeal to US Court of Appeals re [7] Notice of Appeal (ys, COURT STAFF) (Filed on 12/29/2003) (Entered: 12/30/2003)
01/09/2004	12	Receipt/Acknowledgment from USCA of the original case file. (ys, COURT STAFF) (Filed on 1/9/2004) (Entered: 01/13/2004)
06/14/2005	13	USCA JUDGMENT as to [7] Notice of Appeal: the judgment of the USDC for the Northern District of California (San Francisco) is REVERSED and REMANDED. (ys, COURT STAFF) (Filed on 6/14/2005) (Entered: 06/17/2005)
06/14/2005	14	CLERKS Letter Spreading Mandate to Counsel re [7] Notice of Appeal. Reversed and Remanded. (ys, COURT STAFF) (Filed on 6/14/2005) (Entered: 06/17/2005)
06/27/2005	15	Mail Returned as Undeliverable re [14] Mandate of USCA. Mail sent to plaintiff Homer E. Hawkins. Remailled to address from proof of service of USCA's order. (ys, COURT STAFF) (Filed on 6/27/2005) (Entered: 07/01/2005)
07/11/2005	16	CERTIFICATE OF SERVICE by Homer E. Hawkins re [13] USCA Judgment (ys, COURT STAFF) (Filed on 7/11/2005) (Entered: 07/12/2005)

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